IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION No: 20152 of 1994

Between:

1 Arjun Singh, S/o. Late Balram,
R/o. 13-1-1146, Kulsumpura,
Hyderabad.
2 Heera Bai, W/o. Late Balram,
R/o. 13-1-1146, Kulsumpura,
Hyderabad.
3 Sona Bai, W/o. Late Mohan Singh,
R/o. 13-1-1146, Kulsumpura,
Hyderabad.
4 Ratan Singh, S/o. Balram,
R/o 13-1-1146, Kulsumpura,
Hyderabad.
5 Ramchander, S/o. Balram,
R/o 13-1-1146, Kulsumpura,
Hyderabad.
6 Pyrelal, S/o. Balram,
R/o 13-1-1146, Kulsumpura,
Hyderabad.
7 Krishna Bai, W/o. Prem Singh,
R/o 13-1-1146, Kulsumpura,
Hyderabad.
8 Munna Singh, S/o. Late Balram,
R/o 13-1-1146, Kulsumpura,
Hyderabad.

..... PETITIONERS

AND

1 Secretary to Government,
(Revenue, ULC) Department, Govt. of Andhra Pradesh,
Hyderabad.
2 Commissioner of Land Reforms & Urban Land Ceilings/

Appellate Authority,
Hyderabad.
3 The Special Officer & Competent Authority,
Urban Land Ceiling, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an appropriate writ or direction or order particularly a writ of Certiorari to quash the final order dated 12-9-1994 passed in Appeal Case C.No.Hyd.294/93 by the second Respondent.

Counsel for the Petitioners: MR.A.ANANTHA REDDY

Counsel for the Respondents: GP FOR ASSIGNMENT

The Court made the following order:

This writ petition is filed by the petitioners to quash the final order dated 12-9-1994 passed in Appeal Case C.No.Hyd.294/93 by the second respondent.

The brief facts of the case are that late Balram who is the father of the first petitioner (Arjun Singh) under Agreement of Sale dated 1-4-1957 agreed to purchase recorded

agricultural dry lands in Sy.Nos. 104 to 115 admeasuring Acs. 121 situated in Poppalguda Village within Rajendranagar Revenue Mandal, Rangareddy District and accordingly paid entire agreed sale consideration between 1-4-1957 and December, 1960 to the vendor. Thereafter, he obtained the sale deed from the legal heirs of the original vendor on 4-4-1965 and that as on 4-4-1965, as the first petitioner was only 10 years old, the question of his purchasing the declared lands does not arise. Therefore, it is the case of the petitioners that the father of the first petitioner as “Kartha” of their joint family purchased the declared lands out of the joint family funds but obtained the sale deed in the name of the first petitioner. All these facts are stated before the third respondent-competent authority, but the third respondent erroneously declared the first petitioner as the exclusive and absolute owner of all the 121 Acres of land. In the appeal filed before the second respondent-appellate authority also, the said objection was rejected. Hence, the writ petition.

Learned counsel appearing for the petitioners contended that the third respondent-competent authority has not taken into consideration the objections raised by the legal representatives of late Balram that the land declared by late Balram was purchased by him in the name of his son Sri Arjun Singh, the first petitioner herein, when he was a minor, who has no means of earning and who is a dependent on his father and that after his demise, the properties purchased by him devolve on all the heirs and held that the first petitioner-Arjun Singh alone held the property as on 28-1-1976 and he was accordingly determined as an excess vacant landholder to an extent of 4,92,950.17 square meters in Sy.Nos 104 to 115 Poppalguda.

A reading of the order goes to show that the competent authority has not taken into consideration the objections raised by the legal representatives of the declarant in proper perspective and held as stated above.

Under the above circumstances, the order of the Special Officer and Competent Authority, Urban Land Ceilings, Hyderabad is set aside and the matter is remanded to the Special Officer and Competent Authority, for fresh disposal within a period of three months from the date of receipt of a copy of this Order after taking into consideration the objections raised by the legal representatives and after giving an opportunity of hearing to all the concerned. Till such time, the interim stay earlier granted by this Court shall continue.

The writ petition is accordingly allowed. No costs.

28-10-2004

lvl

To

1 Secretary to Government,
(Revenue, ULC) Department, Govt. of Andhra Pradesh,
Hyderabad.
2 Commissioner of Land Reforms & Urban Land Ceilings/

Appellate Authority,
Hyderabad.
3 The Special Officer & Competent Authority,

Urban Land Ceiling, Hyderabad.

4 2CCs to the Government Pleader for Assignment, High Court of A.P., Hyderabad. (OUT)

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